

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD STANTON (as trustee for
Ashley Stanton) on behalf of himself and
all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC. and
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED,

Defendants.

Civil Action No. 08-cv-03054

**MOTION OF THE STANTON GROUP FOR
(1) APPOINTMENT AS LEAD PLAINTIFF AND
(2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL**

The Stanton Group¹, by its counsel, hereby respectfully moves this Court to: (i) be appointed Lead Plaintiff in the above-captioned securities class actions; and (ii) approve its selection and retention of Levi & Korsinsky as Lead Counsel.

In support of this Motion, the Stanton Group submits herewith a Memorandum of Law, the Declaration of Joseph E. Levi with accompanying exhibits, and a Proposed Order.

¹ The Stanton Group is comprised of the following members: Richard Stanton, Mark Rowlands, Lester Handler, Sheila Handler and William Borra.

DATED: May 27, 2008

LEVI & KORSINSKY, LLP

/s/ Joseph E. Levi

By:

Eduard Korsinsky (EK 8989)
Joseph E. Levi (JL 0848)
Juan E. Monteverde (JM 8169)
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CERTIFICATE OF SERVICE

Juan E. Monteverde, being duly admitted attorney authorized to appear before the US District Court, Southern District of New York, under penalties of perjury, affirms as follows:

1. I am over eighteen years of age and am not a party to the above referenced matter.

2. On May 27, 2008, I served Notice of Motion, Memorandum in Support, Declaration of Joseph E. Levi in support and [proposed] Order on:

Jay B. Kasner

Scott D. Musoff

Skadden, Arps, Slate, Meagher & Flom LLP

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ATTORNEYS FOR DEFENDANTS

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ATTORNEYS FOR PLAINTIFF

the address designated by said attorneys for that purpose, by depositing a true copy thereof, in a first class pre-paid envelope properly addressed as indicated above and via ECF.

Dated: New York, NY

May 27, 2008

/s/ Juan E. Monteverde

Juan E. Monteverde